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Addendum

First Evaluation Round

Addendum to the Compliance Report on the Czech Republic

Adopted by GRECO at its 32nd Plenary Meeting
(Strasbourg, 19-23 March 2007)

I. INTRODUCTION

1. GRECO adopted the First Round Evaluation Report on the Czech Republic at its 13th Plenary Meeting (28 March 2003). The report (Greco Eval I Rep (2002) 11E), which contains 9 recommendations addressed to the Czech Republic, was made public on 22 April 2003.
2. The Czech Republic submitted the Situation Report required by GRECO's compliance procedure on 30 September 2004. On the basis of this report and a Plenary debate, GRECO adopted the First Round Compliance Report (RC-report) on the Czech Republic at its 22nd Plenary Meeting (18 March 2005) which was made public on 8 April 2005. The Compliance Report (Greco RC-I (2004) 12E) concluded that recommendations ii, iii, iv, v and vi had been implemented satisfactorily. Recommendations vii and viii had been dealt with in a satisfactory manner. Recommendations i and ix had been partly implemented; GRECO requested additional information on their implementation. The additional information requested was submitted on 27 September 2006 and supplemented on 14 and 28 February 2007.
3. Pursuant to Rule 31, paragraph 9.1 of GRECO's Rules of Procedure the objective of the present Addendum to the First Round Compliance Report is to appraise the implementation of recommendations i and ix in the light of the additional information referred to in paragraph 2.

II. ANALYSIS

Recommendation i.

4. *GRECO recommended to combat not only the actuality of corruption but also to raise the awareness of the population on the dangers of corruption which may undermine the economic, social and political foundations of Czech society and give high priority to objective research on corruption in the country.*
5. GRECO recalls that in the RC-report it concluded that the first part of the recommendation had been complied with, but that more could have been done as regards research on corruption.
6. The Czech authorities report that during 2006 the Ministry of the Interior initiated a research project on security policy - which includes criminal policy - to be carried out in co-operation with the University of Economics over the period 2006-2008. One of the themes of this research project is the fight against corruption, more in particular the blacklisting and transparency of the non-governmental sector in the Czech Republic. In addition, the Ministry of the Interior commissioned a research project called "Reflection of security threats management". This research project focuses amongst other things on the perception of corruption in the Czech Republic (including the perception of trends in the level of corruption, areas in which corruption mostly occurs, personal experience with corrupt behaviour and if there is sufficient knowledge as to whom corruption should be reported). The results of this research project are expected in the first half of 2007. Further research is planned to be carried out on the topic of sustainable development and corruption.
7. Furthermore, the Czech authorities report on further activities that have been carried out to raise the awareness of the population on the dangers of corruption, since the adoption of the RC-report by GRECO. These activities include the publication of articles on corruption prevention in various periodicals, regular press briefings on anti-corruption activities, the development of a brochure by the Unit for the Detection of Corruption and Financial Crime (ÚOKFK) and a press conference in

October 2006 on the strategy of the Government for the fight against corruption in 2006-2011. The anti-corruption web-site www.korupce.cz, which is mentioned in the RC-report, was registered as one of the 10 best-known sites on the internet and is one of the 100 most popular web-sites in the Czech Republic.

8. GRECO takes note of the information provided by the Czech authorities. It appears that research on corruption has acquired higher priority, as was required by the recommendation. Although GRECO had already concluded in the RC-report that the first part of the recommendation had been complied with, it notes with satisfaction the continuation of awareness raising activities.
9. GRECO concludes that recommendation i has been implemented satisfactorily.

Recommendation ix.

10. *GRECO recommended that the system of immunities of members of Parliament be reconsidered in such a way as to provide for specific and objective criteria to be applied in determining whether procedural immunity (inviolability) should be lifted; the GET also recommended the Czech authorities to reconsider the fact that the system in place precludes prosecution after the suspect of a criminal offence ceases to be a member of Parliament.*
11. GRECO recalls that in the RC-report it concluded that the procedural aspects of the lifting of immunities had apparently not been dealt with.
12. The Czech authorities report as regards the first part of the recommendation that although there are no specific criteria in writing to be followed by Parliament when deciding on requests to lift immunities, both the Standing Rules of the Chamber of Deputies and the Senate (Act No. 90/1995 and 107/1999 respectively) outline the procedure which is to be followed as regards requests to lift the immunity of a Deputy or Senator. These Standing Rules require, *inter alia*, the Mandate and Immunities Committee to ascertain whether there are sufficient grounds for the criminal prosecution of a Deputy or a Senator and to report on this matter to the Chamber of Deputies or the Senate, which will subsequently take a decision on whether to lift the immunity of a Deputy or a Senator. In practice, the Chamber of Deputies and the Senate only consider whether the case to which the request refers is connected with the performance of duties of a parliamentarian: if this is not the case, the immunity of the parliamentarian concerned is lifted and criminal proceedings may be initiated. During the last electoral term of the Chamber of Deputies (2002-2006), the immunity of two Deputies was lifted to allow for criminal proceedings to be brought against them for 'negligent injury to health' and passive bribery respectively; the Senate decided as recently as 7 February 2007 to lift the immunity of the Deputy Prime Minister and Minister for Regional Development to allow for criminal proceedings for passive bribery to be initiated against him.
13. In addition, the Czech authorities report that a proposal for an amendment to the Constitution, with a view to limiting the immunities of members of Parliament and judges, was approved by the Chamber of Deputies in May 2006. This amendment provided that in cases where the Parliament does not give its consent to the lifting of immunity of a judge or member of Parliament, this would only preclude prosecution during the term of office of a parliamentarian or judge and would allow prosecution once s/he ceases to be a member of Parliament or a judge. The Senate discussed the proposed amendment to the Constitution in June 2006, but rejected it in November 2006 in favour of a new proposal which seeks to repeal the immunity of parliamentarians completely for

acts other than votes and speeches in Parliament. This new proposal was adopted in first reading and will be further discussed by the Senate in 2007.

14. GRECO takes note of the information provided by the Czech authorities and welcomes the proposed amendment to the Constitution, which – if adopted - will be a significant improvement upon the current situation. Consequently, GRECO considers that the second part of the recommendation has been fully complied with. Although the most recent proposal for an amendment to the Constitution would also make the need for specific and objective criteria, to be applied in decisions on lifting procedural immunity (inviolability), obsolete – as it would abolish procedural immunity (inviolability) of parliamentarians completely - , GRECO can at this point not conclude that the first part of the recommendation has been fully implemented.
15. GRECO concludes that recommendation ix has been partly implemented.

III. CONCLUSION

16. In addition to the conclusions contained in the First Round Compliance Report on the Czech Republic and in view of the above, GRECO concludes that recommendation i has been implemented satisfactorily and recommendation ix has been partly implemented. In this connection, GRECO encourages the Czech authorities to continue their efforts to improve the current system of immunities enjoyed by members of parliament.
17. The adoption of the present Addendum to the Compliance Report terminates the First Evaluation Round compliance procedure in respect of the Czech Republic.
18. Finally, GRECO invites the authorities of the Czech Republic to translate the Addendum into the national language and to make this translation public.